

ROA 02-05-03
09/683,812**REMARKS**

The Office action objected to the Oath / Declaration as being defective as not showing the Post Office address. Furthermore, the Office Action objected to the details shown (not shown) in the drawings. The Office Action objected to the specification an not being in compliance with 37 CFR 1.77(b). Finally, the Office Action objected to the disclosure because of various informalities.

The Office Action rejected claims 1-5 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action also rejected claims 1-2, under 35 U.S.C. 102(b) as being anticipated by *Boxer* '851. Claims 1-2 were also rejected under 35 U.S.C. § 102(e) as being anticipated by *Stratton, Jr.* '937.

Oath and Declaration Objections

The examiner objected to the oath and declaration as being defective for not including the mailing or post office address. Applicant previously submitted a power of attorney and sworn declaration. A true and correct copy of this document is attached hereto. As may be readily appreciated, the residence address of the Applicant is clearly shown. According to 37 C.F.R. §1.63(c)(1), the post office (or mailing) address is only necessary on the oath and declaration if the applicant lives in a location where they do not receive mail. This is not the case with Applicant as the mailing and residence address are one and the same and is stated below Applicants signature. Therefore, any partial information listed as "post office address" is extraneous and should be discarded. As such, the mailing address of Applicant is clearly stated in the document as follows:

1 Robin Hood Lane
Conroe, TX 77301

Drawing Objections

Applicant has amended the specification to correct discrepancies arising therewith the drawings. Applicant believes that these discrepancies are the result of difficulties with the online filing program provided by the USPTO. The program

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inadvertently converted primes (') to double primes (") when filed online. Applicant has read through the entire specification to catch these discrepancies and has amended the specification to reflect the corrections. As such, Applicant believes that all objections by the examiner should now be addressed by the amended specification.

Specification Objections

Applicant has amended the specification to include the section header "Summary of the Invention" between paragraphs [0002] and [0003] of the specification. This header was inadvertently left off the application as filed. Furthermore, in addition to corrections referred to above in reference to the drawings, Applicant has corrected paragraphs [0019, [0021], and [0023] in response to Examiner's objections. These changes do not add any new matter to the application.

§ 112 Rejections

In reference to claims 1-5 Applicant has made amendments to overcome the objections of the Office Action. These changes do not add any new matter to the application and also do not impact the scope of the claims, including any equivalents under the doctrine of equivalents.

§ 102 Rejections

[11] – *Claims 1-2 anticipated under 35 U.S.C. 102(b) by Boxer '851.*

Referring initially to claim 1, *Boxer '851* does not teach a mounting apparatus for a **telescope** providing a non circular groove for mounting a photonic receptor device. More informally, *Boxer* does not teach an apparatus to mount a telescope to a camera (digital, analog, still, motion, or otherwise). The device of *Boxer* would be classified as a photonic receptor device, not as a combination of a photonic receptor device with a telescope. Since the time of Galileo, a "telescope" has been typically defined as a two lens system, one that includes an eyepiece (or ocular lens) and an objective lens. The device of *Boxer* includes only one lens, an objective lens. It is believed that Examiner is attempting to classify lens carrier (12) of *Boxer* as a telescope and film carrier (14) as a photo receptor device. While film carrier technically may be considered a photo receptor, the film carrier is ineffective without a lens (or pinhole device) to focus light

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upon it. As such, the photo receptor device, or "camera," of *Boxer* is the combination of lens carrier (12) with film carrier (14). Separately, neither of them would function properly. Because, the device of *Boxer* does not teach an apparatus to mount a telescope to a photonic receptor, the cited reference does not teach all of the elements as claimed in claim 1. Claim 2 properly depends from claim 1, is narrowing in scope, and contains all of the elements and limitations therein. Therefore the cited reference also does not teach all of the elements as claimed in claim 2.

[11] – *Claims 1-2 anticipated under 35 U.S.C. § 102(e) by Stratton, Jr. '937.*

Referring initially to claim 1 as amended, *Stratton, Jr.* does not teach a mounting apparatus for a telescope where a photonic receptor device is mounted axially parallel to a longitudinal axis of the telescope. Instead, *Stratton, Jr.* teaches a system where a camera is mounted orthogonal to the axis of a telescope. This design eliminates the need for an image reflector (10) and makes the fine tuning of the alignment of photonic receptor with axis of the telescope much easier to accomplish. The axially parallel alignment of photonic receptor and telescope enables the movement and tilting means of claim 5 to be used more effectively.

Claim Amendments

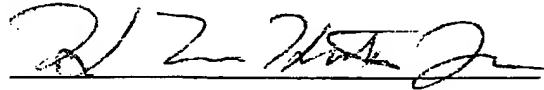
Claims 1-5 have been amended to correct issues of proper antecedent basis and clarity. New claims 6-20 have been added to the application to more completely claim the invention of Applicant and their consideration by the Examiner is respectfully requested.

During the course of these remarks, Applicant has at times referred to particular limitations of the claims which are not shown in the applied prior art. This short-hand approach to discussing the claims should not be construed to mean that the other claimed limitations are not part of the claimed invention. Consequently, when interpreting the claims, each of the claims should be construed as a whole, and patentability determined in light of this required claim construction. Unless Applicant has specifically stated that an amendment was made to distinguish the prior art, it was the intent of the amendment to further clarify and better define the claimed invention.

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If the Examiner has any questions or comments regarding this communication, he is invited to contact the undersigned directly to expedite the resolution of this application. Further examination of the application and reconsideration of the claims as amended and the allowance thereof is respectfully requested.

Respectfully submitted,



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